

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEJA BARBOUR, SHINNEL GONZALEZ, and
RAKAYYAH MASSEY,

07 CV.3014(SCR)
ECF Case

Plaintiff(s),

-against-

ANSWER

THE CITY OF WHITE PLAINS, MARK BURNETT,
ANTHONY CARRA, KEVIN CHRISTOPHER, ANTHONY
FARRELLY, JOHN HEFFNER, LAVALLE LARRIER,
GILBERT LOPEZ, ANTONIO NOLLETTI and JOHN and
JANE DOES ,

Defendant(s).
-----X

JOSEPH A. MARIA, P.C., as attorneys for, THE CITY OF WHITE PLAINS,
MARK BURNETT, ANTHONY CARRA, KEVIN CHRISTOPHER, ANTHONY FARRELLY,
JOHN HEFFNER, LAVALLE LARRIER, GILBERT LOPEZ, and ANTONIO NOLLETTI,
answer the complaint of the plaintiffs as follows:

FIRST: Denies each and every allegation contained in paragraphs designated:
12, 13, 14, 20, 21, 23, 24, 25, 27, 28, 29, 31, 32, 34, and 35.

SECOND: Denies knowledge and information to form a belief as to each and every
allegation contained in paragraphs designated: 7 and 10.

THIRD: Denies each and every allegation, but leaves all question of law to the
Court, in paragraphs designated: 1, 2, 3, 11, and 18.

FOURTH: This answering defendant repeats and realleges all of the above denials and denies knowledge and information set forth in paragraphs designated: 19, 22, 26, 30, and 33.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

FIFTH: That the defendants, acted in compliance with all applicable laws with just and probable cause.

AS AND FOR A SECOND AFFIRMATIVE
DEFENSE, AND/OR IN DIMINUTION OF DAMAGES

SIXTH: That if the plaintiff sustained any injuries or damages, said injuries or damages were caused or contributed to by the negligence, culpable conduct, assumption of risk, or fault of the plaintiff, and were not caused or contributed to by the negligence, fault or want of care on the part of the answering defendants, or were caused by persons or parties for whose acts or omissions the answering defendants are not responsible or liable.

AS AND FOR A THIRD AFFIRMATIVE
DEFENSE, OR IN DIMINUTION OF DAMAGES

SEVENTH: That if any of the acts complained of in the complaint are found to have been committed by the trier of fact, said acts were justified in that the actor or actors had reasonable grounds to believe that his or their acts were reasonably justified, pursuant to law, without malicious intent, or were a reasonable response to plaintiffs acts or were in defense of person or property or in response to provocation or were to preserve the public peace or were with just or probable cause.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

EIGHTH: If it is shown that the statement or conduct alleged to have been made or undertaken by the defendants were in fact made, such statement or conduct was privileged and/or was made or undertaken by said defendants in good faith, without malice and with just and probable cause.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

NINTH: That the statements or conduct alleged to have been made or undertaken by the defendants concerned subjects in which said defendants had an interest and were made to persons also having an interest in the subject of the statements or conduct and to whom said defendants had a duty to speak and/or report.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

TENTH: If it is shown that the defendants spoke of and concerning the plaintiff, as alleged in the plaintiff's complaint, such statements were justified, were based upon reasonable investigation, or were true.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

ELEVENTH: The actions of the Police Department were justified at all times in this matter.

AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE

TWELFTH: The defendant(s) herein are protected by partial or complete immunity therefore, this matter must be dismissed.

WHEREFORE, defendant demands judgment dismissing the plaintiff's complaint herein, together with the costs and disbursements of this action.

Dated: White Plains, New York
August 31, 2007

S/
Joseph A. Maria (0209)

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